



**TOWN OF GRAFTON
ZONING BOARD OF APPEALS**

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**MINUTES
ZONING BOARD OF APPEALS
WEDNESDAY, MARCH 29, 2023
IN PERSON MEETING**

2023 SEP - 1 AM 10:41

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GRAFTON, MA

A meeting of the Zoning Board of Appeals was held on Wednesday, March 29, 2023, in person in the Community Meeting room at the Grafton Public Library.

Members present: Brian Waller, Kay Reed, William McCusker, William Yeomans, Peter Adams, Mitali Biswas, Attorney Dan Hill.

Meeting called to order at 7:05 p.m.
Chairman Waller turns meeting over to Vice Chairman McCusker.

Case #892 – 59 Pleasant St. Properties, LLC – 40B

The clerk reads the legal notice.
The board introduces themselves.
Chairman reads rules of order.

Issue of Safe Harbor

Discussion regarding Safe Harbor and if the Town is in Safe Harbor.

- Attaining 10% affordable housing inventory or heading toward SHI count
- DHCD pulled Safe Harbor due to Pine Street lack of progress – Attorney Hill disagrees.

Motion made by Mr. Yeomans and 2nd by Mr. Adams to notify the applicant, Eastland Partners, that Grafton is in Safe Harbor. On a roll call vote: Ms. Reed – yes; Mr. Waller – yes; Mr. Adams – yes; Mr. Yeomans – yes; Mr. McCusker – yes. 5-yes, 0-no, motion passed. ZBA considers Grafton to be in Safe Harbor.

Chad Boardman of Eastland Partners gives history of his company and the LIP process for the proposed development.

- Submitted proposal to the Select Board for LIP process.
- Held 3 public outreach meetings regarding the development with the neighbors.
- Units will be low/moderate/median income development.

Clayton Williams of Eastland Partners gave a presentation on proposed development, permitting, acquisition and breakdown of the rents of the different units.

Steve O'Connell of Turning Point Engineering (TPE), engineer for the project

- Review of plans for the development
- 12.51 total acres for the development – only using 5 acres of the front of the land (the hayfield)
- Layout of buildings – 7.86% of land coverage
- 204 parking spaces – 1.96 spaces/unit
- 2.5 acres of land clearing needs to be done.
- Project will be on town water and sewer.
- Grading and Stormwater management
- Developer will correct the flooding issue on Peter's Way
- Lighting plan to follow.
- Traffic Study – will be conducting a new traffic study (Post COVID)

Discussion regarding the following:

- Flat roof due to max height of 35'
- Why not single-family homes instead of apartments this location is not the place for apartments, more suited for single family homes on a cul-de-sac
- Not walkable to anything
- Applicant needs to file with Conservation – NOI for stormwater and wetlands permits.
- 26 affordable units – but all 104 units will go towards the SHI count.
- Vice Chairman informs the public the following:
 - The most productive approach is to assume the project will get built, identify concerns if it does get built, and think of mitigation that could address those concerns.
 - The Board will listen to concerns and attempt to include Conditions that mitigate the concerns.

Discussion regarding Safe Harbor:

- The Board can do any of the following:
 - Deny the application.
 - Approved as submitted.
 - Approve with conditions.

Comments from abutters:

Ann Trakadas – 39 Pleasant Street

- Questions regarding Safe Harbor and towns production plan
- Has lived in on Pleasant Street for over 36 years – only 1 family zone.
- 40B allowed in any zone – waivers from local by-laws.
- Issue with traffic
- Rents are set by the state.

Andy Jefferson – 31 Wesson Street

- Question regarding DHCD ruling – 40R project (Pine Street)
- approved by DHCD certified in 2022.
- 3/7/22 40 R process completed.

Kathleen Yako - 4 Christopher Drive

- Red letter regarding traffic into the record
- Apartments do not fit in this area.

John Marro 54 Pleasant Street

- Question regarding the property in the parcel. can I go back to the town.
- Density by law doesn't apply.
- Garages should not be in the court as they are rented out and no guaranteed cars will park there. they could be used as storage.
- Heat pumps are going to be installed what's that going to look like
- No common lobbies only hallways open to the weather.

Karen Swanson 19 Christopher Drive

- Traffic Pleasant Street is the cut through from Millbury Street
 - Speed of traffic lots of families and children on the street
 - The bridge on Pleasant Street is old can't hold the additional traffic.
 - Waivers the applicant has asked for.
 - Cause a decrease in our house values.

Bill Nicholson 33 North Street

- Any more 40B developments proposed for the town.
- Any way the town can make the developer add more affordable units.
- Does not seem economic.

Scott Novitski 49 Pleasant Street

- Traffic cut through – traffic study should be redone.
 - Traffic study should include cut through streets.
- Additional coverage on the north side of the development to cover buildings.
- Would the developer consider single family homes?
 - Answer from the developer – ownership for affordable homes is hard to get approved.

Sara McGrath 4 Peters Way

- Safety issue – cars
- Pleasant Street is a narrow road – turning from Peter's Way
- Don't want sidewalk to "nowhere" safety issue.
- Kids will be riding their bikes in the Peter's Way neighborhood and entering the back yards.

Lindsay Moniz 61 Sunrise Ave.

- Environmental – waivers – wetlands
- Gave presentation showing a "crash map" of all accidents in the area/Pleasant Street
- Upton Street development was voted on first – why was this one submitted first.
 - Answer from the developer – more time and detail has been spent on this development.

Gail Sjöberg 56 Pleasant Street

- Waiver of sewer connection fees – why should the Board do this?
 - Evan Brassard – not a-typical to reduce fees. usually based on a sliding scale.

Terry Bradley 21 Pleasant Street

- If the Board denies the permit – then it gets appealed to HAC – then mediation – if no decision is made in mediation, then HAC makes the decision in favor of the developer.
- Discussion of denials
- The property is located in the water supply protection overlay district.
- Development will change the character of the neighborhood/town.
- Any Indian archaeological findings need to be called into the State.

Tom Knapp 1 Pleasant Street

- Concerned about safety/traffic.
- People moving in and out of the apartments all the time.
- Apartments are not a proper fit.

Ken Swidrak 52 Sunrise Ave.

- Traffic – need a peer review study.
- Safety – talk to the peer reviewer for the traffic study give him the neighbors' concerns.
 - Attorney Hill – the state has guidelines for traffic studies.

Shannon Martins 16 Sunrise Ave.

- Why is the development on Upton Street not being done first – that is a better location?
- This complex is too big for the neighborhood.

Bruce Whitney 3 Gary Circle

- There is a blind spot on the Pleasant Street bridge.
- Trails – not there off Gary Circle
- Traffic

Ed Prisby 25 Danielle Drive – Member of the AHT (Affordable Housing Trust)

- Development is going to be built.
- Pine Street did not pay for their permit, so a permit was never issued.
- Safety concerns are important.
- New traffic study to be completed during the school year.

- Affordable housing is important.

Julie Capuziello 34 Pleasant Street

- How will everyone be notified of the next hearing?
 - Acting Chairman McCusker informs all present that the next meeting day and time will be determined prior to the end of each night's hearings.
- What constitutes an abutter?
 - Anyone within 300 feet of the address of the property

Kathleen Yako 4 Christopher Drive

- Is there any guarantee the developer will not sell the buildings/property.
- Will the rents be raised – charge for trash?
- Open space – density of the buildings
- Affordability

Nancie Piconne 3 High Point Drive

- Meeting is not being broadcast live.

Gregory Panagiotou 4 Pleasant Street

- Traffic – the 3 poles in front of her house have all been hit by cars at different times.

Eric Solomon 11 Cheryl Drive

- Sewer pump station – will Eastland maintain the maintenance of the pump station.
 - Yes, they will – per Eastland.
- Do not like flat roofs.

Will send the plans to Jeff Walsh of Graves Engineering for peer review of the development.
Will get a traffic peer review.

Discussion with the Board:

- Not a fan of the flat roofs
 - Can the top floor units collapse into a gable roof like the buildings on Prentice Street?
- AC units on the roof – do not want them on top of the building – do not like the look.
- Have traffic counters before Hudson Avenue – towards Providence Road
- Also have a traffic counter on Hudson Avenue – to get the cut through number.

John Marro 54 Pleasant Street

- When will Fisherville Terrace be counted towards SHI?
 - Once we start issuing the building permits and we submit to SHI (Subsidized Housing Inventory) our next count

Motion made by Mr. Yeomans and seconded by Mr. Waller to continue Case #892 to Wednesday, May 3, 2023, at 7:00 p.m. at the Grafton Public Library, in the Community Room. On a roll call vote: Ms. Reed – yes; Mr. Waller – yes; Mr. Adams – yes; Mr. Yeomans – yes; Mr. McCusker – yes; 5-yes, 0-no, motion passed. meeting continued to May 3, 2023, at 7:00 p.m.

Motion made by Mr. McCusker and 2nd by Mr. Adams to adjourn the meeting. On a roll call vote: Ms. Reed – yes; Mr. Waller – yes; Mr. Adams – yes; Mr. Yeomans – yes; Mr. McCusker – yes; 5-yes, 0-no, motion passed. meeting adjourned at 10:06 p.m.

Respectfully submitted by Katrina Koshivos

Kay Reed

Kay Reed - Clerk